

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

HUTCH & ASSOCIATES, INC. d/b/a HUTCH'S  
RESTAURANT; and  
DELAWARE RESTAURANT HOLDINGS, LLC  
d/b/a REMINGTON TAVERN & SEAFOOD  
EXCHANGE,  
for themselves and on behalf of a class of  
similarly situated policyholders,

STIPULATED ORDER

Plaintiffs,

- v -

ERIE INSURANCE COMPANY OF NEW YORK;  
ERIE INDEMNITY COMPANY d/b/a  
ERIE INSURANCE GROUP;  
ERIE INSURANCE COMPANY;  
ERIE INSURANCE PROPERTY & CASUALTY  
COMPANY;  
ERIE INSURANCE EXCHANGE; and  
FLAGSHIP CITY INSURANCE COMPANY,

Civ. Action No.:  
1:20-cv-00896-GWC

*Hon. Geoffrey Crawford, Presiding*

Defendants.

STIPULATED BRIEFING SCHEDULE

The Court enters this Stipulated Order upon the request and stipulation of all parties, Plaintiffs Hutch & Associates, Inc. d/b/a Hutch's Restaurant and Delaware Restaurant Holdings, LLC d/b/a Remington Tavern & Seafood Exchange (collectively "Plaintiffs") and Defendants Erie Insurance Company of New York, Erie Indemnity Company d/b/a Erie Insurance Group, Erie Insurance Company, Erie Insurance Property & Casualty Company, Erie Insurance Exchange, and Flagship City Insurance Company (collectively "Defendants").

WHEREAS, Plaintiffs filed an Amended Complaint on August 12, 2020;

WHEREAS, Defendants moved to dismiss Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on September 2, 2020 (the "Motion to Dismiss"); and

WHEREAS, by Text Order, entered August 19, 2020, the Court ordered the parties to submit a proposed scheduling order within thirty (30) days detailing the briefing schedule for Defendants' Motion to Dismiss; it is hereby

ORDERED that Plaintiffs shall file opposition papers to Defendants' Motion to Dismiss on or before **September 30, 2020**;

ORDERED that Defendants shall file any papers in reply to Plaintiffs' opposition on or before **October 14, 2020**; and

ORDERED that no extension of the above deadlines will be granted except upon written application, filed prior to the deadline, showing good cause for the extension. Absent truly exceptional circumstances, any application for an extension shall be made at least one week prior to the deadline sought to be extended. The parties are reminded that "a finding of 'good cause' depends on the diligence of the moving party." *Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000).

The above Order is stipulated to by the parties via their undersigned respective counsel.

DUKE HOLZMAN PHOTIADIS & GRESENS LLP  <i>/s/ Christopher M. Berloth</i> <hr/> <p>Charles C. Ritter, Esq. Christopher M. Berloth, Esq. <i>Attorneys for Plaintiffs</i> 701 Seneca Street, Suite 750 Buffalo, New York 14210 <a href="mailto:critter@dhpqlaw.com">critter@dhpqlaw.com</a> <a href="mailto:cberloth@dhpqlaw.com">cberloth@dhpqlaw.com</a></p> <p>Dated: Buffalo, New York September 4, 2020</p>	MURA & STORM, PLLC  <i>/s/ Roy A. Mura</i> <hr/> <p>Roy A. Mura, Esq. Scott D. Mancuso, Esq. <i>Attorneys for Defendants</i> 930 Rand Building 14 Lafayette Square Buffalo, New York 14203 <a href="mailto:roy.mura@muralaw.com">roy.mura@muralaw.com</a> <a href="mailto:scott.mancuso@muralaw.com">scott.mancuso@muralaw.com</a></p> <p>Dated: Buffalo, New York September 4, 2020</p>
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SO ORDERED.

Dated at Rutland, in the District of Vermont, this 8<sup>th</sup> day of September, 2020.



Geoffrey W. Crawford, Chief Judge  
United States District Court